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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PARDIS KHANI,)	CASE NO.
)	
Plaintiff,)	COMPLAINT FOR DAMAGES AND
)	DEMAND FOR JURY TRIAL
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Plaintiff complains of Defendant and for a cause of action, alleges:

FIRST CAUSE OF ACTION

NEGLIGENCE – MEDICAL MALPRACTICE

I

That this action is brought under the Federal Tort Claims Action 28 U.S.C., Sections 1346(b) and 2671, et. seq., that Plaintiff, PARDIS KHANI, is a citizen of the United States and resident of the State of California.

II

That on or about June 1, 2020, Plaintiff duly filed her Claim for Damages with Defendant through its agent, U.S. Department of Health & Human Services. Plaintiff's Claim has not been acted

1 upon by said agency as of the date of this Complaint, and therefore Plaintiff elects to deem said non-
2 response as a denial.

3 III

4
5 On or about May 22, 2020, Plaintiff filed a Complaint for Damages against United Health
6 Centers of the San Joaquin Valley, Imade Osaghae, PA-C, and Sandra Bravo, LVN in the Superior
7 Court, County of Fresno, in order that the statute of limitations of one year not bar recovery against
8 United Health Centers of the San Joaquin Valley, Imade Osaghae, PA-C, and Sandra Bravo, LVN.

9 IV

10
11 Thereafter Defendant advised Plaintiff that United Health Centers of the San Joaquin Valley
12 receives federal funding and United Health Centers of the San Joaquin Valley, Imade Osaghae, PA-C,
13 and Sandra Bravo, LVN are deemed to be employees of the Public Health Service within the United
14 States Department of Health and Human Services. See, Federally Supported Health Centers
15 Assistance Act, 42 U.S.C. § 233.

16
17 Because United Health Centers of the San Joaquin Valley is deemed to be a federal employee,
18 tort actions against the clinic and its employees acting within the scope of their employment arising
19 from medical or related functions must be brought against the United States pursuant to the Federal
20 Tort Claims Act, 28 U.S.C. § § 1346(b). 2671-80. See, 42 U.S.C. § 233(a).

21
22 On July 23, 2020, the United States Attorney removed Plaintiff's lawsuit to this Court pursuant
23 to 42 U.S.C. § 233(c) and filed a certification that United Health Centers of the San Joaquin Valley,
24 Imade Osaghae, PA-C, and Sandra Bravo, LVN were acting within the scope of their employment at
25 the time of the events giving rise to the action. See, *Id.*

26
27 Thereafter, the United States was substituted as the federal defendant in place of United Health
28 Centers of the San Joaquin Valley, Imade Osaghae, PA-C, and Sandra Bravo, LVN by operation of

1 law. *Id.* Plaintiff and Defendant then agreed and stipulated that the claims against the United States
2 would be dismissed without prejudice and re-filed after Plaintiff filed her Claim for Damages with
3 Defendant as set forth in Section II above. This Court entered an Order Re: Stipulation For Dismissal
4 Without Prejudice on August 24, 2020.

5 6 **V**

7 At all times mentioned herein, Defendant owned, operated, maintained, funded, and staffed a
8 medical office and facility in the City of Sanger, County of Fresno, State of California, known as
9 United Health Centers of the San Joaquin Valley for which Imade Osaghae, PA-C and Sandra Bravo,
10 LVN were agents and employees.

11 12 **VI**

13 At all times mentioned herein, Defendant employed and provided at said facilities, physicians,
14 nurses and healthcare practitioners, including, but not limited to Imade Osaghae, PA-C and Sandra
15 Bravo, LVN, duly licensed to practice medicine, nursing and other related providers in the State of
16 California, and each of them has held themselves out, and has been held out by Defendant, to possess
17 that degree of skill, ability and learning common to such medical practitioners in said community.

18 19 **VII**

20 On or about June 5, 2019 through September 19, 2019, and at all times thereafter, Plaintiff
21 consulted with United Health Centers of the San Joaquin Valley, Imade Osaghae, PA-C and Sandra
22 Bravo, LVN for the purpose of obtaining a diagnosis and treatment of an injury, condition, and illness
23 and employed United Health Centers of the San Joaquin Valley, Imade Osaghae, PA-C and Sandra
24 Bravo, LVN to care for and treat her and to do those things necessary and proper in said care and
25 treatment.
26

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28 ///

1 **VIII**

2 United Health Centers of the San Joaquin Valley undertook said employment and agreed to do
3 all things reasonable, proper, and necessary in connection therewith, and United Health Centers of the
4 San Joaquin Valley entered such employment, individually, and by and through their employees,
5 servants and agents, including, but not limited to Imade Osaghae, PA-C and Sandra Bravo, LVN.
6

7 **IX**

8 Pursuant to said agreement, and on or about June 5, 2019 through September 19, 2019, Plaintiff
9 was examined and underwent treatment for rashes, including a kenalog injection, as well as other
10 diagnostic and therapeutic procedures and, thereafter, continued to be treated and cared for by United
11 Health Centers of the San Joaquin Valley, but United Health Centers of the San Joaquin Valley, Imade
12 Osaghae, PA-C and Sandra Bravo, LVN failed to use reasonable care or skill common to medical
13 practitioners in the community and further, failed to use reasonable care in the diagnosis and treatment
14 of said condition, illness, and injury, in that they did not provide her with proper treatment by
15 improperly administering the kenalog injection or properly refer her for treatment resulting in injury
16 and damage to her.
17
18

19 **X**

20 As a direct and legal result of the negligence and carelessness of Defendant, Plaintiff has
21 suffered pain, weakness and muscle atrophy at the improper site of the kenalog injection in her left
22 deltoid muscle. She is now physically disfigured and has lost the use of her left hand and arm, and as a
23 result lost her employment and ability to be employed in the future. She has undergone extensive
24 medical treatment and evaluation.
25

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27 ///

1 **XI**

2 As a direct and legal result of the negligence and carelessness of Defendant, Plaintiff has
3 suffered past and future noneconomic damages, including, but not limited to, pain, suffering,
4 disfigurement, physical impairment, anxiety, humiliation and emotional distress.
5

6 **XII**

7 As a direct and legal result of the negligence and carelessness of Defendant, Plaintiff was
8 required to and did employ physicians and surgeons to examine, treat and care for her, and did incur in
9 the past and will incur in the future, medical, hospital, and other related expenses for such
10 examinations, treatment and care. It is anticipated that Plaintiff will undergo future operations in the
11 near future and will incur future medical bills. The full extent of the amounts of the past and future
12 medical expenses are presently unknown. However, Plaintiff is informed and believes and thereon
13 alleges that the amount of these expenses is far in excess of the jurisdictional minimum of this Court.
14
15

16 **XIII**

17 As a direct and legal result of the negligence and carelessness of Defendant, Plaintiff has
18 suffered a loss of earnings and will incur income losses in the future. Plaintiff was gainfully employed
19 at the time of the incident, and has and will incur past and future wage loss due to her inability to work
20 as a result of the injuries she sustained. Plaintiff is informed and believes and thereon alleges that the
21 amount of the present value of her past and future income loss sustained is far in excess of the
22 jurisdictional minimum of this Court.
23

24 WHEREFORE, Plaintiff prays judgment against Defendant, as follows:

- 25 1. For general damages in an amount in excess of the jurisdictional minimum, according to
26 proof;
27 2. For hospital and medical expenses, past and future, according to proof;
28 3. For loss of financial earnings, past and future, according to proof;

4. For wage loss, past and future, according to proof;
5. For loss of earning capacity, according to proof;
6. For loss of the enjoyment of life, pain, suffering, disfigurement, physical impairment, anxiety, humiliation, emotional distress and other general damages, past and future, according to proof;
7. For all past and future damages;
8. All costs of suit incurred herein; and
9. For such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable pursuant to the Federal Rules of Civil Procedure.

DATED: January 5, 2021

BARADAT & PABOOJIAN, INC.

By: /s/ ADAM B. STIRRUP
ADAM B. STIRRUP
Attorneys for Plaintiff,
PARDIS KHANI